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U.S. DISTRICT COURT, E.D.N.Y.
★ JUL 11 2005 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

— against —

MICHAEL McMILLAN,

Defendant.

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MEMORANDUM & ORDER
01-CR-922

WEINSTEIN, Senior District Judge:

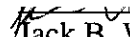
Pursuant to a remand from the United States Court of Appeals for the Second Circuit, Michael McMillan moves the court for resentencing.

For the reasons stated orally on the record at the hearing on June 27, 2005, the motion for resentence is granted. Resentencing shall occur on September 8, 2005 at 10:00 a.m.

The government shall arrange for the defendant's appearance at the hearing. Probation shall provide an addendum to the presentence investigation report.

If either party wishes a jury trial on any enhancement factor the court shall be notified in writing within ten days.

SO ORDERED.



Jack B. Weinstein
Senior U.S.D.J.

Dated: June 27, 2005
Brooklyn, New York

